

Application Serial No. 10/666,883

REMARKS

1. Applicant thanks the Office for the Office's comments which have greatly assisted Applicant in responding. In response to the Final Rejection, Applicant respectfully requests that the Office favorably consider the following remarks.

Applicant submits that the present Amendment places the applications in condition for allowance by amending claims in manner that is believed to render the claims allowable over the cited art and/or to at least place this application in better form for appeal. This Amendment is necessary because the roles of requestor and provider needed to be differentiated more clearly and was not earlier presented because Applicant believed that the prior response(s) placed the application in allowable condition for at least the reasons discussed in those responses. Accordingly, Applicant requests entry of the present Amendment under 37 C.F.R. §1.116 as an earnest attempt to advance prosecution and/or to reduce the number of issues.

2. **35 U.S.C. §102**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131, emphasis added.

Claims 1-26 are rejected under 35 U.S.C. §102(b) as being anticipated by Call (US Patent No. 6,154,738).

Claims 1, 8, 14 and 21: The Office relies on Call, col. 6, lines 15-55 as teaching the subject matter of claims 5, 11, 18 and 24: verifying "said resource information request before returning the retrieved resource information."

Application Serial No. 10/666,883

Applicant respectfully disagrees. The cited teaching describes operation of the registration handler and the mechanisms provided for insuring that a registrant has the authority to create and alter the information in a supplier record. Thus, the cited teaching describes security measures designed to prevent unauthorized persons from publishing information or altering previously published information. The claims, in stark contrast, have nothing to do with publishing information; they are directed to verifying requests for published information from an information requestor. Because the cited teaching from Call has nothing to do with verifying requests for published information, it is incorrect that the cited portion from call describes the subject matter of claims 1, 8, 14 and 21.

A finding of anticipation requires that the prior art describe each and every element as set forth in the claim, and the identical invention must be shown in as complete detail as in the claim. As above, the cited portion of Call describes the security procedures provided to prevent unauthorized parties from publishing information or altering published information. It has nothing to do with verifying requests for published information from a requestor of such information. Accordingly, the prior art does not describe each and every element as set forth in the claim, nor is the identical invention shown in the same level of detail as in the claim. The present rejection is therefore improper. Claims 1, 8, 14 and 21 are therefore allowable under 35 U.S.C. § 102.

In view of their dependence from allowable parent claims, the dependent claims are deemed allowable without any separate consideration of their merits.

In spite of the foregoing, the claims 1, 8, 14 and 21 are amended to differentiate the roles of requestor and provider more clearly. Accordingly, each of the independent claims is amended to describe that the information request originates with an information requestor, rather than from a provider. The claims are additionally amended to clarify that the resource information request concerns a provider resource. Support for the amendment is found in the claims themselves. The amendment only states explicitly what had already been implicitly stated. Accordingly, even if the present rejection had not been improper, the present amendment would overcome the rejection.

Application Serial No. 10/666,883

3. No new matter is added by way of the above amendments. It should be appreciated that Applicant has elected to amend the Claims solely for the sake of expediency in deference to the Office policy of compact prosecution. Such amendments do not indicate agreement with the Office's position, nor are they evidence of intent to sacrifice claim scope. Applicant expressly reserves the right to pursue protection of a scope that it reasonably believes it is entitled to in one or more future submissions to the USPTO.
4. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Office have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,



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